

Calendar No. 2284

74TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ No. 2172

MODIFYING SECTION 20 OF PERMANENT APPROPRIATION REPEAL ACT OF 1934 WITH REFERENCE TO INDIVIDUAL INDIAN MONEY

JUNE 1 (calendar day, JUNE 2), 1936.—Ordered to be printed

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany H. R. 8316]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 8316) to modify section 20 of the Permanent Appropriation Repeal Act of 1934, with reference to individual Indian money, having considered the same, report thereon with a recommendation that it do pass with the following amendments:

Strike out all after the enacting clause and insert in lieu thereof the following:

That section 20 of the Permanent Appropriation Repeal Act, approved June 26, 1934 (48 Stat., p. 1233), shall not be applicable to funds held in trust for individual Indians, associations or individual Indians, or for Indian corporations chartered under the Act of June 18, 1934 (48 Stat., p. 984).

The necessity for this legislation arises from a construction placed by the Comptroller General upon section 20 of the Permanent Appropriation Repeal Act of 1934 (48 Stat. 1233), which reads in part as follows:

(a) The funds appearing on the books of the Government and listed in subsections (b) and (c) of this section shall be classified on the books of the Treasury as trust funds. All moneys accruing to these funds are hereby appropriated, and shall be disbursed in compliance with the terms of the trust. Hereafter moneys received by the Government as trustee analogous to the funds named in subsections (b) and (c) of this section, not otherwise herein provided for, except moneys received by the Comptroller of the Currency or the Federal Deposit Insurance Corporation, shall likewise be deposited into the Treasury as trust funds with appropriate title, and all amounts credited to such trust-fund accounts are hereby appropriated and shall be disbursed in compliance with the terms of the trust: * * *.

In a letter dated February 26, 1935, to the Interior Department, the Comptroller General expressed the view that individual Indian

money comes within the provisions of said section 20 and directed that all such money be deposited forthwith into the Treasury for credit to a trust-fund account. On December 16, 1935, he affirmed this decision after considering certain facts presented by the Department, but stated that compliance therewith could be delayed until the close of the present session of the Congress. This delay was granted in view of the showing made by the Department that the procedure prescribed in his letter of February 26, 1935, would impose additional burdens on the Government and that there exists considerable doubt whether the Congress intended that the legislation in question should apply to moneys belonging to individual Indians.

This question has been discussed with officials of the Indian Office, and they presented for the committee's consideration a report from the Acting Director of the Bureau of the Budget in which it was stated "that section 3 of the draft would not be in conflict therewith (the program of the President) if amended to provide simply that section 20 of the Permanent Appropriation Repeal Act shall not be applicable to individual Indian moneys."

This bill has been considered and reported out by the Committee on Indian Affairs of the House of Representatives and passed the House on February 17, 1936, in form which did not meet the objections of the Bureau of the Budget, but the bill as it is herein proposed to be amended has the approval of the Bureau of the Budget and other interested governmental departments.

Amend the title so as to read:

A bill to modify section 20 of the Permanent Appropriation Repeal Act 1934, with reference to individual Indian money.

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